

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAUL ALVARADO,

Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING WITHOUT  
PREJUDICE DEFENDANT’S  
MOTION TO DISMISS  
SUPERSEDING INDICTMENT

Case No. 2:10-CR-157 TS

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This matter is before the Court on Defendant’s Motion to Dismiss Superseding Indictment, filed on December 13, 2010. In his Motion, Defendant requests “an Order dismissing the above-entitled matter with prejudice on the grounds that the Prosecution has violated the Defendant’s Sixth Amendment rights to a speedy trial.”<sup>1</sup> In his Motion, Defendant “requests sufficient [time] to submit a memorandum to support this motion.”<sup>2</sup> To date, Defendant has failed to submit such a memorandum.

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<sup>1</sup>Docket No. 29.

<sup>2</sup>*Id.*

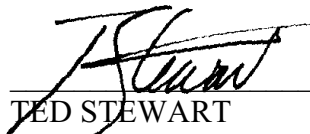
DUCrimR 12-1(b)(1)(A) requires, in most circumstances, that “each motion must be accompanied by a memorandum of supporting authorities that is filed or presented with the motion.” Despite having several weeks to do so, Defendant has failed to comply with the local rule. Because of this failure, the Court is without the ability to determine the merits of the Motion. It is therefore

ORDERED that Defendant’s Motion to Dismiss Superseding Indictment (Docket No. 29) is DENIED WITHOUT PREJUDICE.

The hearing set for January 20, 2011, is STRICKEN. The Court will set this matter for a final pretrial conference by separate notice.

DATED January 6, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge